



Entered on Docket  
March 05, 2007

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

7 Andrew K. Alper, Esq.  
8 California Bar No. 088876  
FRANDZEL ROBINS BLOOM & CSATO, L.C.  
9 6500 Wilshire Boulevard  
10 Seventeenth Floor  
11 Los Angeles, California 90048-4920  
Telephone: (323) 852-1000  
Facsimile: (323) 651-2577  
E-mail: [aalper@frandzel.com](mailto:aalper@frandzel.com)

12 Attorneys for Creditor  
13 **DAYCO FUNDING CORPORATION**

Nile Leatham, Esq.  
Nevada Bar No. 002838  
Randolph L. Howard, Esq.  
Nevada Bar No. 006688  
KOLESAR & LEATHAM, CHTD.  
3320 West Sahara Avenue, Suite 380  
Las Vegas, Nevada 89102  
Telephone: (702) 362-7800  
Facsimile: (702) 362-9472  
E-mail: [rhoward@klnevada.com](mailto:rhoward@klnevada.com)  
[nleatham@klnevada.com](mailto:nleatham@klnevada.com)

14 Attorneys for Creditor  
15 **DAYCO FUNDING CORPORATION**

16 **UNITED STATES BANKRUPTCY COURT**

17 **FOR THE DISTRICT OF NEVADA**

18 In re  
19 USA COMMERCIAL MORTGAGE  
20 COMPANY,  
Debtor.

CASE NO. BK-S-06-10725-LBR  
Chapter 11

CASE NOS: BK-5-06-10726 LBR  
CASE NOS: BK-5-06-10727 LBR  
CASE NOS: BK-5-06-10728 LBR  
CASE NOS: BK-5-06-10729 LBR

21 In re:  
22 USA CAPITAL REALTY ADVISORS, LLC,  
23 Debtor,

CHAPTER 11  
JOINTLY ADMINISTERED UNDER  
CASE NO. BK-5-06-10725-LBR

25 In re:  
26 USA CAPITAL DIVERSIFIED TRUST  
27 DEED FUND, LLC,  
Debtor,

**ORDER GRANTING DAYCO FUNDING  
CORPORATION'S MOTION FOR  
RELIEF FROM THE AUTOMATIC  
STAY**

Date of Hearing: February 15, 2007  
Time of Hearing: 9:30 a.m.

1 In re:  
 2 USA SECURITIES, LLC,  
 3 Debtor.

4 Affects:

5  All Debtors  
 6  USA Commercial Mortgage Co.  
 7  USA Securities, LLC  
 8  USA Capital Realty Advisors, LLC  
 9  USA Capital Diversified Trust Deed  
 10  USA First Trust Deed Fund, LLC

**ORDER GRANTING DAYCO FUNDING CORPORATION'S  
 MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

11 The Motion for Relief from the Automatic stay filed by Creditor DAYCO FUNDING  
 12 CORPORATION ("Dayco") came on for hearing at the above date and time, the Honorable  
 13 Linda B. Riegle presiding. Nile Leatham, Esq. of Kolesar & Leatham, Chtd. appeared on behalf  
 14 of Dayco; Annette W. Jarvis, Esq. of Ray, Quinney & Nebeker P.C. appeared on behalf of  
 15 Debtors; and Susan M. Freeman, Esq. of Lewis & Roca, LLP appeared on behalf of the Official  
 16 Committee of Unsecured Creditors. The Court having reviewed all pertinent pleadings and papers  
 17 on file herein, and good cause appearing,

18 IT IS HEREBY ORDERED that Dayco's Motion for Relief from the Automatic Stay is  
 19 GRANTED and the automatic stay of Bankruptcy Code § 362(a) shall be vacated effective  
 20 March 1, 2007, to allow Dayco, or its agent, to exercise its state law remedies with respect to its  
 21 Deed of Trust, recorded on August 23, 2005, as Instrument No. 2005-0622541, on real property  
 22 commonly known as 10325 Datura Road, Hesperia, California 92345, Assessor's Parcel Nos.  
 23 0405-261-17-0-000, 0405-261-18-0-000, 0405-261-27-0-000, and 0405-261-29-0-000, legally  
 24 described as the South half of the Southwest quarter of the Northeast quarter of the Northwest  
 25 quarter of Section 13, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of  
 26 Hesperia, County of San Bernardino, California, according to the Official Plat thereof.

27 IT IS FURTHER ORDERED that Dayco's Motion for Relief from the Automatic Stay is  
 28 GRANTED and the automatic stay of Bankruptcy Code § 362(a) shall be vacated effective

KOLESAR & LEATHAM, CHTD.  
3320 West Sahara Avenue, Suite 380  
Las Vegas, Nevada 89102  
Tel: (702) 362-7800 / Fax: (702) 362-9472

1 March 1, 2007, to allow Dayco, or its agent, to exercise its state law remedies with respect to its  
2 Deed of Trust, recorded September 14, 2005, as Instrument No. 2005-0685512, on real property  
3 commonly known as 10375 Baldy Lane, Hesperia, California 92345, Assessor's Parcel No. 0405-  
4 261-28 and is legally described as the North one-half of the Southeast one-quarter of the Northeast  
5 one-quarter of the Northwest one-quarter of Section 13, Township 4 North, Range 5 West, San  
6 Bernardino Meridian, in the County of San Bernardino, State of California, according to the  
7 Official Plat thereof.

8 IT IS FURTHER ORDERED that this Order granting Dayco's Motion for Relief from the  
9 Automatic Stay shall remain effective in the event that the above-captioned case is dismissed and  
10 re-filed or converted to Chapter 7.

11 APPROVED / DISAPPROVED:

12 LEWIS & ROCA, LLP

13 /s/ Susan M. Freeman, Esq.

14 Susan M. Freeman, Esq.  
15 Rob Charles, Esq.  
16 Scott K. Brown, Esq.  
17 3993 Howard Hughes Parkway, #600  
18 Las Vegas, NV 89169-0961  
19 Attorneys for Official Committee of  
20 Unsecured Creditors

APPROVED / DISAPPROVED:

RAY, QUINNEY & NEBEKER P.C.

No Response

21 APPROVED / DISAPPROVED:  
22 U.S. TRUSTEE *B48*  
23 *No Opposition - Scott Fenton*  
24 August B. Landis, Esq.  
25 U.S. Department of Justice  
Foley Federal Building  
300 Las Vegas Blvd., South, Suite 4300  
Las Vegas, NV 89101  
26 Attorney for U.S. Trustee  
27 ...  
28 ...

Annette W. Jarvis, Esq.  
Steven C. Strong, Esq.  
Douglas M. Monson, Esq.  
Elaine A. Monson, Esq.  
Steven T. Waterman, Esq.  
36 South State Street, Suite 1400  
P.O. Box 45385  
Salt Lake City, UT 84145-1500  
and  
Lenard E. Schwartzer Esq.  
Jeanette E. McPherson, Esq.  
SCHWARTZER & MCPHERSON LAW FIRM  
2850 S. Jones Boulevard, #1  
Las Vegas, NV 89146  
Attorneys for Debtors

KOLESAR & LEATHAM, CHTD.  
3320 West Sahara Avenue, Suite 380  
Las Vegas, Nevada 89102  
Tel: (702) 362-7800 / Fax: (702) 362-9472

1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021;

3  I have delivered a copy of this proposed order to all attorneys and unrepresented parties who  
4 appeared at the hearing regarding this matter and/or who filed a written objection and each  
has:

5  approved the form of this order;

6  waived the right to review the order;

7  failed to file and serve papers in accordance with LR 9021(c); and/or

8  failed to sign and return this proposed order within five (5) business days in accordance  
9 with LR 9021(b)

10  I have delivered a copy of this proposed order to all attorneys and unrepresented parties who  
11 appeared at the hearing regarding this matter and/or who files a written objection and all have  
either approved the form of this order, waived the right to review the order, failed to file and  
serve papers in accordance with LR 9021(c) and the following have disapproved the form of  
this order;

12  No opposition was filed to the motion (Notice of Default) and no other party or counsel  
13 appeared at the hearing (none required).

14 **SUBMITTED BY:**

15  
16 /s/ Nile Leatham, Esq.  
17 Andrew K. Alper, Esq.  
18 California Bar No. 088876  
19 **FRANDZEL ROBINS BLOOM & CSATO, L.C.**  
20 6500 Wilshire Boulevard  
Seventeenth Floor  
Los Angeles, California 90048-4920  
and  
21 Nile Leatham, Esq.  
Randolph L. Howard, Esq.  
22 **KOLESAR & LEATHAM, CHTD.**  
3320 West Sahara Avenue, Suite 380  
Las Vegas, Nevada 89102  
*Attorneys for Creditor*  
**DAYCO FUNDING CORPORATION**

23  
24 # # #  
25  
26  
27  
28

---

*In re USA Commercial Mortgage Company, et al./Case No. BK-S-06-10725-LBR*  
Order Granting Dayco Funding Corporation's Motion for Relief From the Automatic Stay